



# *in brief*

## *Newsletter*

July - September 2017

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# Summer School

## Research Institute for Transparency, Corruption and Financial Crime

The "Research Institute for Transparency, Corruption and Financial Crime" (RITCFC) of the Aristotle University of Thessaloniki intends to cater for the teaching and research needs of the Law School and other Faculties, as well as to contribute to the planning of Greece's institutional reconstruction towards an increased transparency and the even more effective handling of corruption and financial crime, based on the rule of law. For this purpose, the Institute embraces activities that promote these objectives in practice and enhance awareness on the importance of their achievement among State authorities and civil society. In this context, a self-evident objective of the Institute is to support such institutions which involve themselves in general to the functioning of the State according to the rule of law, and in particular to the proper administration of justice. Since the purposes and activities of the Institute are closely related to CIEEL's objectives and research fields, the meetings of its members and the academic events it organises are hosted at CIEEL's premises, to the prospect of developing a further cooperation between them.

Within this context, the Institute hosted from the 5th to the 14th of July 2017, at CIEEL's auditorium 'Dimitrios Evrigenis', an intensive 8-day summer school on financial crime, corruption and money laundering, at a national and international level, for participants who wished to deepen their knowledge on this field.

The summer school focused on ongoing developments in combatting international fraud, international tax evasion and tax avoidance, corruption and money laundering, international and European anti-fraud mechanisms and procedures. The lectures were given by prominent professors of the Aristotle and other European universities.



Research Institute for Transparency,  
Corruption and Financial Crime  
FACULTY OF LAW  
ARISTOTLE UNIVERSITY OF THESSALONIKI



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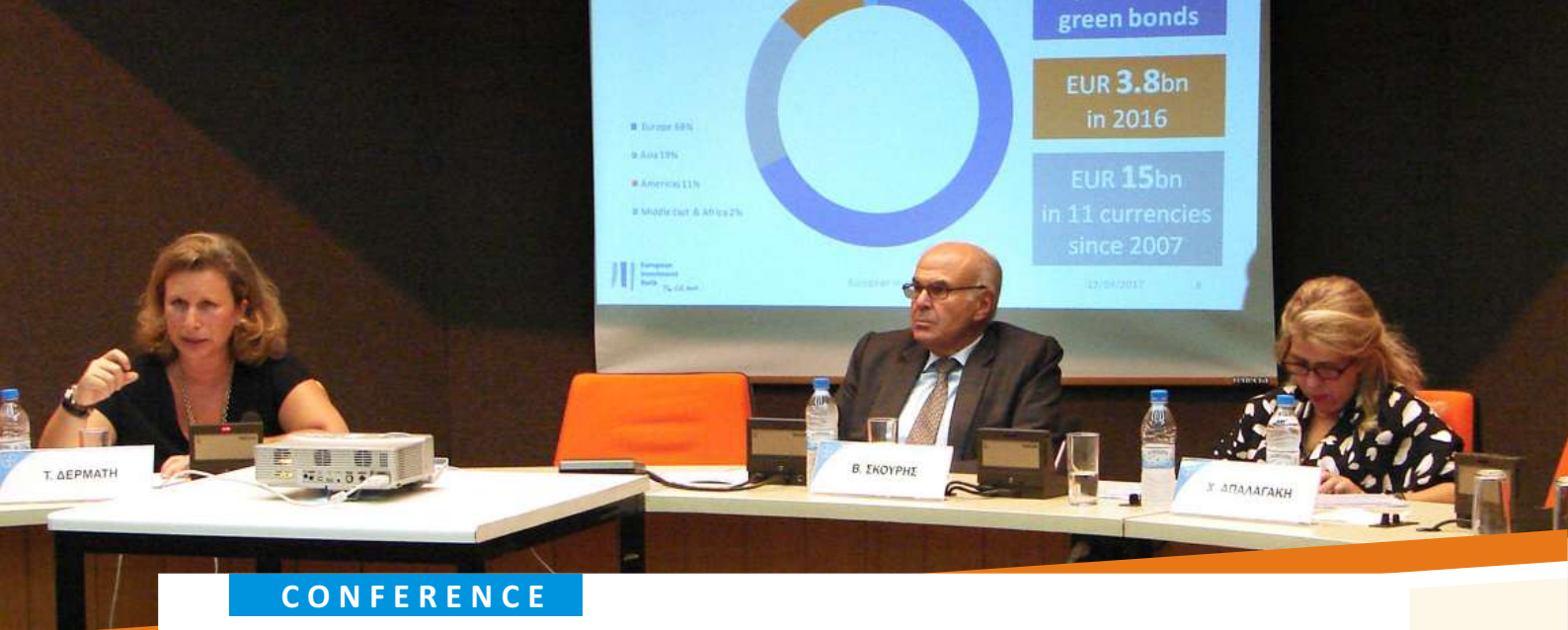
## Corfu summer school on **European Business Law**

The "Summer School" on European Business Law, which took place from 25 to 28 July 2017 in Corfu, at the Ionian University and notably at the premises of the building where the first University in Greece had operated, was an initiative of the European Law Masters Alumni Association ('ELMAA') and it has been co-organized by ELMAA, the Center for International and European Law (CIEEL) and the Laboratory for the Legal, Economic, Political and Technical Translation (LLePoTeL or ENOPOTEM in Greek) of the Ionian University of Corfu.

The courses, conducted in Greek and English, were mainly addressed to postgraduate students and trainees or young lawyers. The programme included, apart from a general introduction to the European Union Common Market, lectures on competition law, Brexit's consequences for UK-based companies, commercial transactions between EU member states and third countries and the EU legal framework for public procurement.

The President of CIEEL, Professor Vassilios Skouris, presented the keynote lecture at the opening ceremony, and afterwards, during the first day of the course he developed the topic: "State aid and tax measures", while the Director of CIEEL, Professor Vasilios Christianos, elaborated on the issues discussed the second day regarding the recovery of illegal aid.

The "Summer school" was focused on the practical approach to recent developments in European Business Law and, at the same time, it gave the participants the opportunity to enjoy the rich historical and cultural identity of the island of Corfu.



## CONFERENCE

# EUROPEAN BANKING LAW

## The bank lending activity

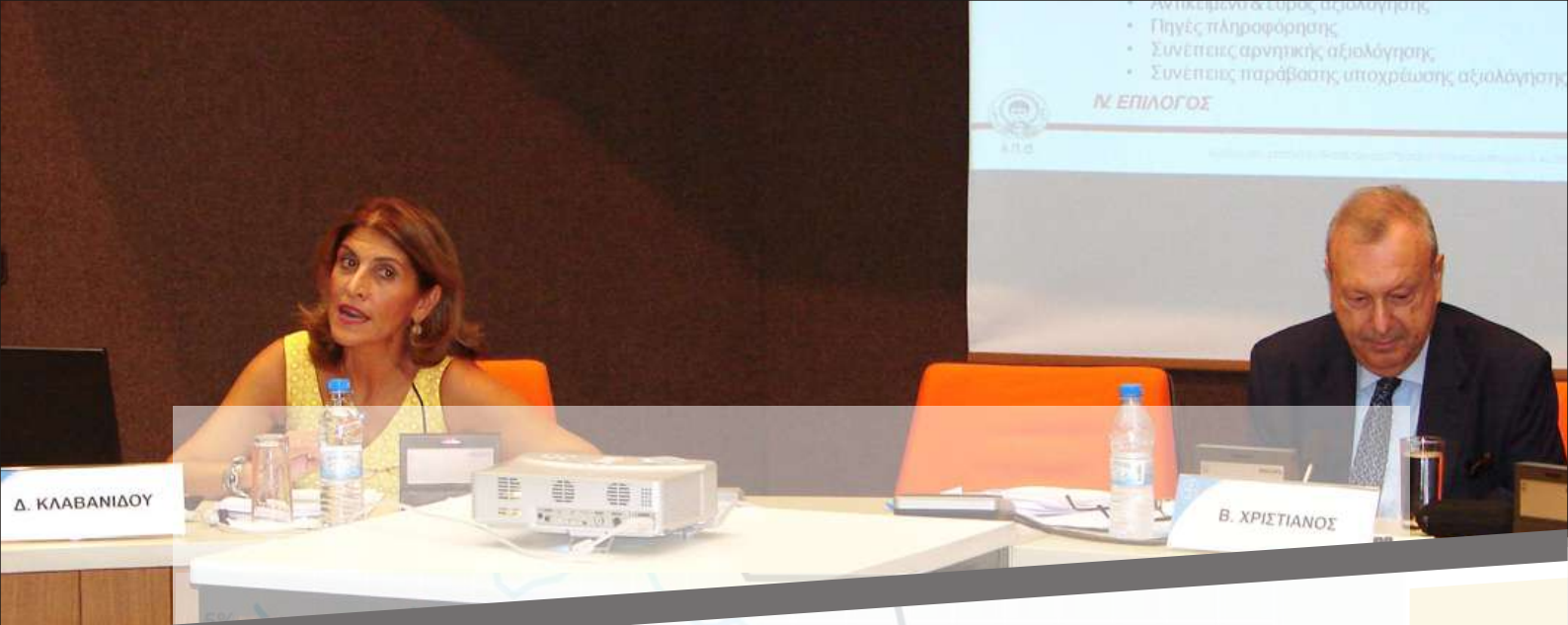
An one-day conference on European Banking Law and the bank lending activity was held at the premises of CIEEL on September 13th, 2017, with the donation of the Stavros Niarchos Foundation (SNF).

Professor Vassilios Skouris, President of CIEEL and former-President of the European, chaired the first session concerning issues of corporate banking. During this session, Professor Charoula Apalagaki, Secretary General of the Hellenic Bank Association, analyzed the legal framework on servicing non-performed corporate loans, while Mrs Tatianna Dermati, Senior Institutional Officer and Head of the Athens Office of the European Investment Bank, presented the rules governing the grant of loans by the European Investment Bank to businesses.

The second session was dedicated to the retail banking and chaired by the Director of CIEEL, Professor Vassilios Christianos. Despoina Klavanidou, Professor and Deputy Dean of the Aristotle University of Thessaloniki, elaborated on the principle of 'responsible lending' in the context of consumer credit agreements. Afterwards, Dr. Dimitrios-Panagiotis Tzakas, Researcher at CIEEL on European Banking Law with the donation of Stavros Niarchos Foundation, examined the legal implications arising on mortgage credit cases and on the foreign currency lending, in the light of







Law 4438/2016 transposing Directive 2014/17/EE on credit agreements for consumers relating to residential immovable property, as well as on the recent case-law on Swiss franc loans.

Both sessions were followed by interesting questions raised by the participants, and a stimulating discussion with the rapporteurs.

The conference provided a detailed presentation of the legal framework governing bank loans and offered an overall assessment of both legislative and case-law developments at national and EU level. Particular consideration was given on matters arising from the provision of credit to businesses and consumers, while in this regard various concerns on the current legal framework were addressed.

Given the extensive presence and participation of academics, judges, lawyers, business or bank representatives and students the event proved to be highly successful.

The records will be shortly published.





## CONFERENCE

# PROTECTION OF PERSONAL DATA IN THE AREA OF FREEDOM, SECURITY AND JUSTICE

in view of the upcoming application  
of the new General Regulation 2016/679/EU

On Monday, September 18th 2017, CIEEL organized, with the donation of the Stavros Niarchos Foundation (SNF), an one-day conference on the protection of personal data in view of the upcoming application of the new General Regulation 2016/679/EU.

Eminent academics and distinguished judges, as well as representatives of the Hellenic Data Protection Authority (HDP), gave their lectures in Greek, while a simultaneous interpretation in English was also available to the participants. The event was sponsored by the "Konrad Adenauer Stiftung".

The conference focused on the new General Regulation, coming into force on May 25th 2018, which constitutes the most important legislative reform of the last twenty years in the area of data protection and which entails decisive consequences concerning the businesses' digital environment.

The first session of the conference was chaired by Mr. Dimitrios Kranis, Vice President of the Greek Supreme Civil (Areios Pagos) and Director General of the National School of Judges. At this session, Professor Dr. Dres. h.c. Burkhard, Director of the Max Planck Institute Luxembourg for International, European and Regulatory Procedural Law, encountered on the issue of privacy in the light of the recent ECJ case law. Subsequently, Professor Spyridon Vlahopoulos, Member of HDP, analyzed the latest developments on the cross-border transfer of personal data from the EU to third





# Η ΠΡΟΣΤΑΣΙΑ ΤΩΝ ΔΕΔΟΜΕΝΩΝ ΠΡΟΣΩΠΙΚΟΥ ΧΑΡΑΚΤΗΡΑ ΣΤΟΝ ΧΩΡΟ ΕΛΕΥΘΕΡΙΑΣ, ΑΣΦΑΛΕΙΑΣ ΚΑΙ ΔΙΚΑΙΟΣΥΝΗΣ

Εξελίξεις ενόψει της θέσης σε εφαρμογή  
του νέου Γενικού Κανονισμού ΕΕ 2016/679



countries. The session was concluded with the contribution of Associated Professor, Mrs. Lilian Mitrou, who contemplated about the 'right-to-be-forgotten' within the framework of the new General Regulation.

In the second session of the conference, a roundtable took place on the need of striking balance between security and freedom. Dr. V. Tzortzi, Researcher at CIEEL in the "Area of Freedom, Security & Justice" with the donation of Stavros Niarchos Foundation, raised the relevant questions. Mr. Chistos Yeraris, Honorary President of the Hellenic Council of State (StE), Former President of the HDP, Mr. Konstantinos Menoudakos, Honorary President of the Hellenic Council of State (StE), current President of the HDP and Professor Vassilios Skouris, former President of the Court of Justice of the European Union, President of CIEEL, expressed their views and exchanged interesting opinions on the relationship between security and freedom in the field of personal data protection.

The objective of the conference was both to provide the framework for assessing the current situation and future developments on data protection in the Area of Freedom, Security and Justice, an area undergoing major changes and reforms notably through the new General Regulation and, at the same time, to set the dilemmas on how to best guarantee the fundamental rights of individuals.

The event was largely attended by academics, judges, public officials, lawyers, business representatives and students and summoned by a lively discussion.

The records will be shortly published.



## **JUSTICE programme:** Collaboration between CIEEL and Frederick University of Cyprus for educational activities in specific areas of fundamental rights protection

The European Union's JUSTICE programme aims to further develop a European Area of Justice based on mutual recognition and mutual trust, in particular through the promotion of judicial cooperation in civil and criminal matters. It focuses on the following key areas:

- Judicial cooperation in civil and criminal matters
- Judicial training, including language training on legal terminology, to promote a common legal and judicial culture
- Effective access to justice in Europe, including the rights of victims of crime and procedural rights in criminal proceedings
- Initiatives in the field of drugs policy (aspects of judicial cooperation and crime prevention)

The Commission shall ensure that the actions selected for funding aim to achieve results with EU added value.

CIEEL is pleased to announce that it has received funding to implement an action under the JUSTICE programme, following a rigorous evaluation and approval of a proposal submitted to the European Commission. The action, named under the title "Training for a European Area of Justice", aims to develop the legal skills and knowledge in specific areas of fundamental rights protection in the European Union, in particular: (a) implementation the Charter of Fundamental Rights; (b) the Council Framework Decision 2008/913/JHA on combatting certain forms and manifestations of racism and xenophobia through criminal law; (c) the protection of personal data; (d) the rights of refugees; and (e) the protection of social rights.

Within the framework of the action, CIEEL, in cooperation with Frederick University of Cyprus, will implement an ambitious program of organizing educational seminars, international conferences and events and publishing academic and educational material in Greece and Cyprus. The action will last 18 months starting on September 2017.







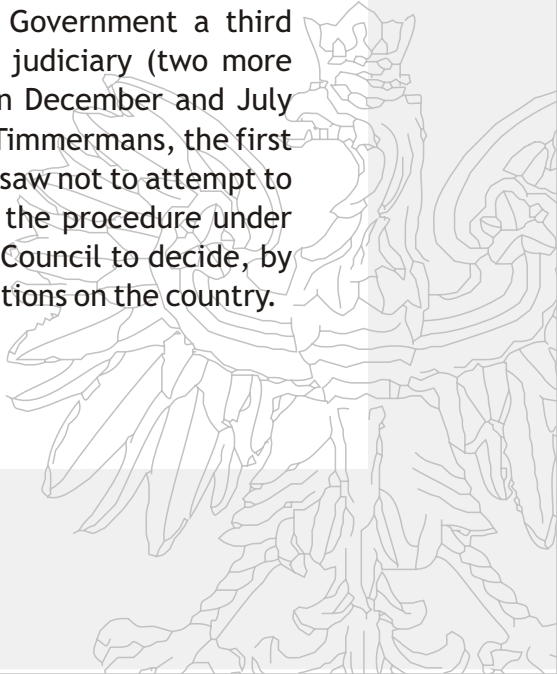
# Poland:

## Systemic threat to the rule of law

On the eve of the 2015 Polish parliamentary election, the outgoing government appointed five new judges as members of the Constitutional Court of the country to cover the existing empty seats. After the elections, the Party "Law and Justice" (PiS) managed to form an absolute majority government. One of the first moves of this newly elected government was to amend the legislation and cancel the previous appointment of Constitutional Court judges, thus starting a continued governmental intervention, in order to "abolish" the independence of the country's judiciary. Back in July 2017, the Polish government proposed a series of reforms that would give ministers power over the appointment of judges and members of the country's Supreme Court.

Poland's governing party (PiS) has been in an ongoing conflict with the European Commission since it was elected. Since January 2016, the Commission has taken serious action, according to the new framework for the rule of law of article 7 of TEU, against Poland. This provision introduces a mechanism, aiming to enable the EU to react effectively to the practices of the Member States which threaten or violate the rule of law and which are constantly on the rise after the outbreak of the economic and immigration crisis.

On July 26, 2017 the Commission sent to the Polish Government a third Recommendation concerning the independence of the judiciary (two more Recommendations on the same issue were addressed in December and July 2016). After the lack of proper reaction, however, Frans Timmermans, the first Vice-President of the European Commission, warned Warsaw not to attempt to seize of control of the Constitutional Court, otherwise the procedure under Article 7 TEU of the TEU will be triggered, allowing the Council to decide, by an overwhelming majority, the imposition of serious sanctions on the country.





# Brexit

## EU and UK positions on citizens' rights

A joint EU/UK technical note on the comparison of the EU and UK positions on citizens' rights was published on August 31, 2017. It provides a mapping of an alignment between the two parties' positions in order to prioritize future discussions. 'Citizens' rights' was one of the main topics covered in the latest round of negotiations (alongside the financial settlement and other separation issues). The document is referring to the nature of the agreement, the personal scope of EU nationals who work in EU and their family members, residence issues, the social security coordination, professional qualifications and economic rights.

As for the nature of the exit agreement, both UK and EU agree that it ought to have the form of an International Treaty, which imposes on the Parties binding obligations of international law. The role of CJEU is yet to be specified, due to the disparity amongst UK and EU on the monitoring and oversight of the compliance to the agreement clauses. UK is in favor of establishing an independent monitoring body, while EU aims to render European Commission as responsible.

Regarding the issue of residence, the two parties agree on the minimum conditions for acquiring permanent residence permit. It is important to note that UK is prepared to offer further flexibilities in respect to citizens with strong ties in the UK (e.g. students abroad for studying) and seeks similar outcome from the EU on this issue. The EU position on this point remains unclarified.

The social security coordination is a field, where EU and UK see eye to eye to a great extent. The scope of the third state nationals remains a grey area, since the European Commission has not yet clarified its point of view. The only divergence in the positions of EU and UK in this aspect can be found as far as the export of benefits and the application of the Regulation 883/2004 are concerned.

The topics of professional qualifications and economic rights are thoroughly reviewed and distinguished on the basis of the withdrawal date. A red line for the UK is granting not full, but relevant equal treatment to national professionals who are neither frontier workers nor resident on the specified date. UK agrees to protect the economic rights of those EU nationals residing in the UK before the withdrawal date under the relevant provisions of EU law, including the rights under Article 49 TFEU in the state of residence or frontier work

